

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE MARRERO

X WK 4641

ANNE NG,

'07 CV 5897

Plaintiff,

COMPLAINT

- against -

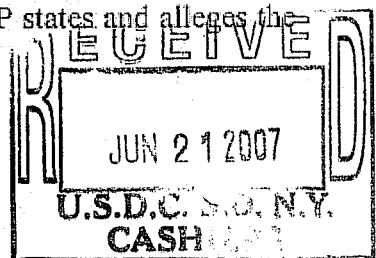
BLUE WATER GRILL INC.,

PLAINTIFF DEMANDS  
A TRIAL BY JURY

Defendant.

Plaintiff Anne Ng, by her attorneys McCarthy & Kelly LLP states and alleges the following upon information and belief:

THE PARTIES



1. Plaintiff Anne Ng was and is an individual, a citizen of the United States and a resident of the State of Washington, residing at 12309 NE 40<sup>th</sup> Circle, Vancouver, WA 98682.

2. Defendant Blue Water Grill Inc. was and still is a New York Limited Partnership duly organized and existing under and by virtue of the laws of the State of New York with its principal place of business located at 31 Union Square West, New York, NY 10011 (hereinafter the "premises").

3. Defendant Blue Water Grill Inc. was and still is a New York Corporation duly organized and existing under and by virtue of the laws of the State of New York with its principal place of business located at the premises.

**JURISDICTION AND VENUE**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1332 and 1441 as the plaintiff is a citizen of State of Washington and the defendant is a citizen of the State of New York and the amount in controversy is in excess of \$75,000 exclusive of interest and costs.

5. Venue of this action in the Southern District of New York is proper pursuant to 28 U.S.C. Section 1391 because plaintiff's claims arise in the Southern District of New York and because defendant is subject to personal jurisdiction in the Southern District of New York.

**FIRST CAUSE  
OF ACTION**

6. That at all times hereinafter mentioned defendant owned the premises.

7. That at all times hereinafter mentioned defendant operated a business at the aforementioned premises, to wit, a restaurant open to the public.

8. That at all times hereinafter mentioned defendant maintained the premises.

9. That at all times hereinafter mentioned defendant controlled the premises.

10. That at all times hereinafter mentioned defendant designed the premises.

11. That at all times hereinafter mentioned defendant constructed the premises.

12. On May 15, 2007 at approximately 8:30 P.M., plaintiff was lawfully within the premises.

13. At the aforementioned time and place, plaintiff was severely injured at the premises by reason of a dangerous, hazardous and/or defective condition existing at the premises.

14. The aforementioned occurred as a result of the negligence, carelessness and recklessness of the defendant, its agents, servants and/or employees in the ownership, operation, management, control, construction, design, repair and maintenance of the premises.

15. As a result of the aforementioned, plaintiff sustained severe and serious permanent personal injuries; incurred medical expenses and sustained other consequential damages.

16. The limitations on liability set forth in CPLR Section 1601 do not apply to this action by reason of one or more of the exemptions set forth in CPLR Section 1602.

17. That solely by reason of the foregoing, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

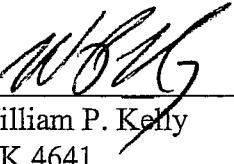
18. Plaintiff demands a trial by jury on all issues.

WHEREFORE, plaintiff Anne Ng demands judgment against defendant Blue Water Grill Inc. in the sum of One Million Dollars (\$1,000,000) together with the costs and disbursements of this action.

Dated: New York, New York  
June 19, 2007

Respectfully submitted,

McCARTHY & KELLY LLP

By   
William P. Kelly  
WK 4641

A Member of the Firm  
Attorneys for Plaintiff  
52 Duane Street  
New York, N.Y. 10007  
Telephone: (212) 732-6000  
Facsimile: (212) 732-6323

TO: BLUE WATER GRILL INC.  
31 Union Square West  
New York, NY 10011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WK 4641

ANNE NG,

07 Civ.

: Plaintiff,

: RULE 7.1(a) STATEMENT

- against -

BLUE WATER GRILL INC.,

: Defendant.

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PURSUANT to Rule 7.1(a) (Formerly Local Civil Rule 1.9) of the Federal Rules Civil Procedure, in order to enable judges and magistrate judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for plaintiff, a non-governmental party, certifies that the following are corporate parents, affiliates and/or subsidiaries of said party which are publicly held: NONE.

Dated: New York, New York

June 19, 2007

Respectfully submitted,

McCARTHY & KELLY LLP

By \_\_\_\_\_

William P. Kelly

WK 4641

A Member of the Firm  
Attorneys for Plaintiff  
52 Duane Street  
New York, N.Y. 10007  
Telephone: (212) 732-6000  
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TO: BLUE WATER GRILL INC.  
31 Union Square West  
New York, NY 10011

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS ANNE NG

DEFENDANTS BLUE WATER GRILL INC.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

McCarthy & Kelly LLP, 52 Duane Street, FL 7  
New York, NY 10007

## ATTORNEYS (IF KNOWN)

William P. Kelly, Esq.

## CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Premises Liability - Plaintiff struck in head by glass in restaurant

Has this or a similar case been previously filed in SDNY at any time? No  Yes?  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## (PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 620 FOOD & DRUG	[ ] 410 ANTITRUST
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 430 BANKS & BANKING
[ ] 140 NEGOTIABLE INSTRUMENT			[ ] 630 LIQUOR LAWS	[ ] 450 COMMERCE/ICC RATES/ETC
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY		[ ] 640 RR & TRUCK	[ ] 460 DEPORTATION
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY		[ ] 650 AIRLINE REGS	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 370 OTHER FRAUD	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 480 CONSUMER CREDIT
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 680 OTHER	[ ] 490 CABLE/SATELLITE TV
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE		[ ] 810 SELECTIVE SERVICE
[ ] 190 OTHER CONTRACT		[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY		[ ] 850 SECURITIES/COMMODITIES/EXCHANGE
[ ] 195 CONTRACT PRODUCT LIABILITY				[ ] 875 CUSTOMER CHALLENGE
[ ] 196 FRANCHISE				[ ] 880 12 USC 3410
	ACTIONS UNDER STATUTES			[ ] 891 AGRICULTURE ACTS
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		[ ] 892 ECONOMIC STABILIZATION ACT
				[ ] 893 ENVIRONMENTAL MATTERS
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE		[ ] 894 ENERGY ALLOCATION ACT
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT			[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 230 RENT LEASE & EJECTION	[ ] 443 HOUSING ACCOMMODATIONS	[ ] 530 HABEAS CORPUS		[ ] 900 APPEAL OF FEE DETERMINATION
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY		UNDER EQUAL ACCESS TO JUSTICE
[ ] 246 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS		[ ] 880 OTHER STATUTORY ACTIONS
		[ ] 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ 1,000,000 OTHER

JUDGE DOCKET NUMBER

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.